IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.792 OF 2006

Suresh Laxman Gurav ..Petitioner

V/s.

Balasaheb Tatoba Belekar and others ..Respondents

Mr.R.S.Ghadge, advocate for petitioner
Mr.G.M.Savagave, advocate for respondents

Coram : D.G.Karnik, J

Date : 9th November, 2006

P.C.

1. This contempt petition is filed alleging breach of the order dated 25th August, 2004 passed by the Division Bench of this Court in Writ Petition No.784 of 2004.

2. Services of the petitioner were terminated. The petitioner therefore, filed a complaint before Industrial Court which was rejected. Against the rejection petitioner filed the Writ Petition No.784 of 2004. In said Writ Petition, by consent of parties, the Court passed an order to reinstate the petitioner as a watchman w.e.f. 1st September, 2004

subject to the condition that the petitioner would not claim backwages and withdraw his complaint pending in the Industrial Court.

3. According to the petitioner, despite this consent order respondents have not reinstated him and thereby committed the contempt. The petitioner has annexed to the petition copies of letters written by the respondents to the petitioner on 30th August, 2004. By the said letter the respondents called upon the petitioner to join duty as a watchman w.e.f. 01/09/2004 at 4.00 pm at Ichalkaranji. Thereafter, further letter was written by the respondents to the petitioner on 14th Sept., 2004. Despite that letter also petitioner did not join the duty. Finally by a letter dated 9th November, 2005 the respondents called upon petitioner to vacate the room which he was occupying. After this letter was received petitioner has filed present petition.

4. On the basis of copies of the correspondence annexed with the petition it appears that the petitioner did not join the duty on 01/09/2004. He is not denying averments made in the respondents'

letter dated 9th November, 2004 that the petitioner did not join the duty despite two letters of the respondents dated 01/09/2004 and 14/09/2004. It thus, appears that the respondents have not deliberately committed breach of the order of the Court but in fact, had offered employment to the petitioner. It was the petitioner who did not join the duty and has filed the petition on being called upon to vacate the room. In the circumstances, there is no merit in the petition which is hereby dismissed.

(D.G.Karnik, J.)